COURT DECISIONS.

THE NEWS OF

Notes of Cases Recently Decided, Which are of Interest to Our People.

DIGESTED BY W. B. MARTIN, (Exclusively for Virginian-Pilot.)

CUSSEN V. BRANDT & DUNLOP. Supreme Court of Appeals of Virginia March 16, 1899.

IT IS ESSENTIAL TO A SALE THAT BOTH PARTIES CONSENT TO IT BUT THIS MAY BE INFERRED FROM THE CIRCUMSTANCES.

THE DELIVERY OF A NOTE FOR VALUE TO ONE WHO IS PRI-MARILY BOUND ON IT, IS AN EX-TINGUISHMENT OF THE NOTE. PURCHASER OF AN OVERDUE

NEGOTIABLE NOTE TAKES ONLY THE TITLE OF THE SELLER AND SUBJECT TO ALL EQUITIES TO WHICH IT WAS SUBJECT IN

MATERIAL CHANGE IN THE CHARACTER OF A NOTE, APPA RENT ON ITS FACE, IS SUFFI CIENT TO PUT A PURCHASER ON ENQUIRY.

This was a suit in chancery in which arcse the question as to whether two notes were liens on certain real estate, or had been paid and extinguished. The lower court held that the notes were valid liens, and there was an appeal.

The Court says: The matters involved in this appeal depend upon the question whether the notes in controversy were paid, or purchased, by the appellee, Elam, when he obtained them from the City Bank. Whether a transaction like this is a payment or a purchase is a question of intention, of fact rather than of law, and is to be settled by the evidence. It is undoubtedly true that it is essential to a sale that both partles should consent to it; but it is as difficult to see how there can be a payment and an extinguishment thereby of a debt, by a stranger who is under no obligation to pay, as it is to see how there can be a sale without an intention to sell. This assent, however, need not be expressed nor shown by direct evidence. It may be inferred from the circumstances attending the transaction, and often is. The authorities hold that a transaction like that under consideration is a purchase and not a payment. It was said by the Supreme Court of the United States, in a case similar to this, that "In cases like that before us, where the intention to continue the existence of the note and not to cancel it by payment is made evident, when the money is paid to the collecting agent appointed to receive it, and the owner of the not anathorities sustain the transaction as a payment." When one primarily bound for the payment of a note takes it up, it is a payment—an extinguishment of the note, no matter what his intention may have been. The notes in question having been purchased by Elam, they are not extinguished, but are existing liens upon the trust subject.

Elam and Grimmell insist that the decree appared if rom is erroneous in so far as it proves them. This contention we do not think can be sustained. The notes held by them respectively were purchased by Elam ander circle to which the pa

STRATFORD V. GREENSBORO. Supreme Court of North Carolina, March 7, 1899,

WHETHER THE USE FOR WHICH A CITY WISHES TO CONDEMN PRIVATE PROPER PUBLIC OR PRIVATE USE IS FOR THE COURTS TO DE

PROPERTY TAKEN FOR A STREET IS NOT TAKEN FOR A PRIVATE USE SIMPLY BECAUSE AN INDI-VIDUAL CONTRIBUTES TO THE

IF THE REAL BENEFIT FROM THE TAKING OF LAND IS TO AN IN-DIVIDUAL, AND THAT TO THE CITY ONLY INCIDENTAL, THE USE IS NOT PUBLIC, AND ANY TAX-PAYER SUBJECT TO AS SESSMENT MAY RESTRAIN THE CITY BY INJUNCTION.

The Board of Aldermen of Greensboro

The Board of Aldermen of Greensboro ordered that certain property be taken for a street, and certain money be borrowed to pay the costs of the improvement. This suit was brought to restrain the city from its contemplated action, and from a judgment for the defendants the plaintiff appealed.

The Court says:

In the compliant the plaintiff alleged that the opening and making of the new street and the widening of Church street were not necessary and not required for the public use of the city, but, on the contrary, that they were to be made for the private use and benefits as might accrue to the city were only incidental. The plaintiff further alleged that the defendant city was not authorized in law to take the property of its citizens for private use, although by such a course incidental benefit might accrue to the city and that all of the acts done and threatened to be done under the orders of the board made in reference to

the opening and widening of these streets were ultra vires.

In their several answers the defendants aver that the proceedings of the board were in good faith, that the opening of the new street and the widening of Church street were necessary and for the public benefit, and that of these matters the determination of the board was final.

The court says:

There can be no objection to the contributing of an individual to the expense of laying out or altering a street, nor will such an act prove that the property was taken for the accommodation of private individuals, and not for public use. If, in point of fact, the public necessity and convenience require the improvement of a street, or the opening of one, it can make no difference who pays the damages of condemnation. It might be that a party contributing a part or the whole of the assessed damages in the condemnation of and for a public street, when the public necessity requires such street, might have lands adjacent which might be improved by the opening of the street; and, surely, if nothing else appeared, it would not be either immoral or illegal for him to pay the damages growing out of the condemnation proceedings. "When the use is public, the necessity or expediency of appropriating any particular property is not a subject of judicial cognizance."

But whether the use of the property which the delegated legislative authority is not a subject of judicial cognizance."

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But whether the use of the property which the delegated legislative authority is not a subject of pudicial cognizance. The courts cannot be concluded by the constitution, is a question. If the taking be in fact for the purpose of private use—if the basis of condemnation be the benefit of an individual, and not the public and the pudicition in determinin

BRAMBLETON WARD.

A quiet nuptial event was celebrated at the residence of Mrs. Keturah Pope, No. 309 East Brambleton avenue, at 9 o'clock last night, when her daughter, Miss Edna E. Pope, became the bride of Mr. Charles Henry Woodhouse, a popular young resident of the ward. The ceremony was performed by Rev. L. R. Christie, of Spurgeon Memorial Baptist Church, in the presence of the near relatives and a few friends of the contracting parties. There were no attendants.

The Inasmuch Circle of the King's

tendants.

The Inasmuch Circle of the King's Daughters will meet at the home of Mrs. M Gordon, on Rose avenue, at 4 o'clock this afternoon.

Rev. J. P. Barrett, D. D., went to Franklinton, N. C., yesterday morning, where he was announced to lecture last night.

McKendree Methodist Church last night.

Over two hundred leads of shells have been used in the improvement of South Kelly avenue and the roadbed of the street is now in a fairly good condition. The Brambleton Democratic Club will hold its regular meeting at its clubrooms at 8 o'clock to-night.

Mr. J. S. Morgan, who was assaulted by two negro men on the Broad Creek road Saturday night, the 5th instant, has recovered sufficiently from his injuries to appear on the street.

ATLANTIC CITY WARD.

The successful revival of religion, which has been in progress at Central Avenue Baptist Church for the past three weeks, has closed.

Mr. Walter L. Graham will erect a hardson of from the control of t

handsome frame residence on Ward avenue, between Duke street and Mo-

The service at LeKies Memorial

The service at LeKies Memorial Methodist Church last night was larges ly attended, and a deep religious feeling pervaded the entire audience.

The regular monthly meeting of the Local Board of Improvement will be held next Monday night at 8 o'clock.

Mr. Engene F. Marks, of Freemason Street Baptist Church, assisted by the choir, will give a piano recital at Central Avenue Baptist Church Friday evening at 8 o'clock, for the benefit of the new church in Ghent.

Not one child dies where ten formerly Not one child dies where ten formerly died from croup. People have learned the value of One Minute Cough Cure and use it for severe lung and throat troubles. It immediately stops cough-ing. It never fails. Burrow-Martin ompany.

HUNTERSVILLE.

IN LEGAL REALMS

Norfolk.

Qualification-Admitted to Record Marriage Liceuses Issued-Charge Against Gatling Dismissed-The Usual Police Court Docket.

The Corporation Court was in sesion only a short while yesterday. No business of general importance was transacted.

B. K. Saul qualified as a notary pub

REAL ESTATE TRANSFERS Deeds were recorded yesterday mak-ing the following real estate transfers. Charles B. Tiighman and wife to Thomas S. Southgate, a lot on Mowbray

J. A. Dozier and others to Mary Diggs, a lot and building, No.

Diggs, a lot and building, No. 367 Chapel street; consideration \$1,550.

R. B. Tunstail and T. H. Willeox, special commissioners, to Edward Spalding, property fronting \$8 feet on Grant street; 852.37.

Eliza D. Southall, of Smithfield, Isle of Wight county, to E. W. Spivey and C. R. Hunton, lot fronting 50 feet on north side of Highland avenue, near Mailby avenue; price \$1,000.

Richard Wallach, of the United States Navy, to Mrs. Walter A. Hickman, a lot on the west side of Reservoir avenue, north of Highland avenue; price \$550.

\$550.
Watt, Rettew & Clay, to Charlott Salomonsky, property on the west side of Granby street, 100 feet north from Plume street, extending thence along Granby street 50 feet; consideration \$29.000.

MARRIAGE LICENSES. Marriage licenses were granted yes-terday to the following couples; Charles Henry Woodhouse and Miss Edna E. Pope, Joseph Uzle to Cornelia Stokes, col-ored.

SERIOUS CHARGE DISMISSED. SERIOUS CHARGE DISMISSED.

Alonzo Gatting, the colored man who was driving the team which ran over and killed Mr. James H. Whitehurst on Union street several weeks ago, was discharged by Police Justice Tomlin yesterday morning, also the owner of the team, Mr. William H. Richardson.

The Justice said that the evidence did not justify him in concluding that the negro should be punished for reckless driving. He thought, however, that Mr. Hichardson had been guilty of harbering the negro and that he escaped punishment on a technical ground.

JOHNSON DISCHARGED.

Peter Johnson, the United States sail-or who jumped overboard at Taylor's wharf Tuesday night, was before Jus-tice Tomlia yesterday and acquitted of the charge of creating a disturbance at the Franklin Theatre.

POLICE COURT ITEMS. POLICE COURT ITEMS.

Ed. Smith, colored, charged with picking pockets, was discharged, the complaining witness not appearing.
Charlotte Foreman, colored, obtaining goods from S.W. Sykes under false pretenses; will be called again this morning.

ing.
Alax Simon, assaulting Grace Davis;
warrant withdrawn and cost paid by

warrant Ariphanti Ariphanti Ariphanti Ariphanti Ariphanti Anthony, colored, fined \$3,

John Henry Matthews, colored, pockel-book snatching; case continued till

Harpin Lamfool, a discharged United tates sailor, carrying concealed pistol, as fined \$29.50. Richetta Armistead, colored, assault-ig Oilleer Spratt with a stick; fined, 19.50.

GONEZ FALLS INTO LINE

(Continued from First Page,

THE POLICE FORCE.

General Alejandro Rodriguez, as the new Chief of Police, will have command of a larger force than he ever had before—900 men in Havana and 300 rurales. As he possesses the power to dismiss or appoint, unrestrained by statutes or boards, he can make the force personally devoted to himself. As the largest and most compact force of Cuhans, armed and disciplined located in the capital, the police would be a powerful political weapon should the Americans withdraw. The latter believe, however, that the new chief will use his position with moderation and fairness.

PURSUING OF BANDITS.

PURSUING OF BANDITS.

The Cuban General Delgado, who, with four bands of Cubans, has been out in search of bandits since Sunday, has telegraphed General Gomez and General Lee that he has found a band and is in hot pursuit of them. General Lee sent a company of the Seventh Cavalry, under Captain Sickle, to join them.

HAVANA'S DEATH RECORD.

HAVANA'S DEATH RECORD.

The Sanitary Department records show that the number of deaths in Havana in 1995 was 7,125, in the following year 11,627; in 1897 no fewer than 17,910, and last year 20,198.

For the month of January of the present year the death rate reached 1,139; in February the total was 750; last month it was 759, and for the first fifteen days of April the total number of deaths was 228.

TO FEED GOMEZ

The loans and contributions of the itizens to feed General Gomez and his ody guard to-day include cases of stoceries, fish, tomatoes and break stought for four days' supply.

LIEUT. GILMORE STILL MISSING

(Continued from First Page.)

because it is believed General Otic would have called any such disaster It is further stated that General Law ere is an impassable range of moun-lins between the points he traversed and the sea where the Yorkiown was

Bears the Signature Chart Hillthing

MAKERS OF BAD MONEY

NORFOLK ON PAGES TWO, THREE, AND FIVE.

Day With the Courts of Important Arrest Made in Philadelphia Yesterday.

> Service Men Under Chief Wilkle Get the Makers of the "Monroe Head," Counterfeit One Hundred Dollar Certificates.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., Apr. 19.-Probaoly the most important capture in the history of the secret service was made resterday in Philadelphia by Chief John E. Wilkie and his agents when they arrested Arthur Taylor and Baldwin S. Bredell, the makers of the famous counterfeit "Monroe head" one hundred dol-Laneaster, Pa., of William M. Jacobs Lancaster, Pa., of William M. Jacobs and William L. Kendig, two preminent cirar manufacturers, and James Burns, who was in Jacob's employ. There were also captured the original plate from which the silver certificates were printed, a new hundred dollar counterfeit plate and a new \$50 plate, and also three sets of plates for the printing of counterfeit revenue stamps, rolls, other paraphernalla and about five tons of paper and a large amount of counterfeit

WHERE PLATES WERE FOUND.

WHERE PLATES WEIRE FOUND. The "Monro head" plate and also the stamp plates and the other materials were found in Lancaster's, where the printing was done. The plates for the new hundred dollar note and the \$50 note were found in Philadelphia. The officials have taken possession of the factories of the elgarmakers and have also attached their bank account.

Taylor and Bredell, it is said, were captured while actually at work on the new plates. They are young men, who were employed in Philadelphia by different firms, but some time ago started in bullness for themselves. They are said to be expert engravers, and never before have been under suspicion. The men will be brought to trial at the earliest possible moment. They are said to have confessed to-day that less than \$10,000 of the famous notes were put into circulation.

Lancaster, Pa., April 19.—The war-

confessed to-day that less than \$10,000 of the famous notes were put into circulation.

Lancaster, Pa., April 19.—The warrants for the arrest of Jacobs, his two bookkeepers, Henry Braillier and Simon Kleinordlinger; W. L. Kendig, and his foreman, James Eurns; "John Doo," and "B. F. Zercher," were swern out by United States Commissioner Henry F. Edmunds, of Philadelphia.

Secret Service Agent John V. Wilkle, accompanied by a dezen secret service detectives, came here this morning. Chief Wikkle first issued attachments on the Fulton National Bank, the Farmers' National Bank and the North, orn National Bank, for the denosits of Jacobs in these institutions, amounting to \$25,000. Jacobs was then placed under arrest, and later all those named above, with the exception of "John Doo" and "B. F. Zercher," these latter names being undoubtedly fictitious.

The accused were taken before United States Commissioner B. F. Montgomery, and waived a hearing.

The commissioner fixed Jacobs' ball at \$45,000, and that of Kendig and Burns at \$25,000 and that of Kendig and Burns at \$25,000 acch.

Kendig was released on ball to-night, but Jacobs and Burns were sent to jail and will be taken to Philadelphia to-morrow morning.

A SENSATIONAL ARREST.

and will be taken to Philadelphia tomorrow morning.

A SENSATIONAL ARREST.
Philadelphia, April 19.—A sensational
arrest was made in this city to-night
in connection with the capture of the
counterfeiting sans.

Harvey K. Newitt, who was assistant United States District Attorney in
this city during the administration of
President Harrison, was taken into
custedy by Secret Service men on a
warrant sworn out by Chief Wilkle,
charging him with bribing Detective
McManus, of the Philadelphia office, He
was given a private hearing before
Commissioner Edmunds and held in
\$18,600 bail, which was furnished by a
wealthy friend. It was shown at the
hearing on March sixth, Newitt gave
McManus, \$500 as a bribe, and on March
28th, \$500 more. This money was turned over to Mr. Wilkle as soon as it was
received.

HEWITT'S WORK.

Sth. \$300 more. This money was turned over to Mr. Wilkle as soon as it was received.

According to the story told by one of the officers, kendig, of Lancaster, suspected early this year that he and his confederates were being watched by secret service men in Lancaster. He came to this city and engaged Newlitias a go-between to bribe Officers Burns and McManus, who were working on the case. Burns was not approached by Newlit, but he saw McManus and the latter agreed to accept the bribe. All of the meetings between Newlit and McManus were witnessed by members of Mr. Wilkle's force and the evidence against him is said to be most positive. Newlit is well connected and has practiced law here since retiring from the United States District Attorney's office. He has also been prominent in politics.

It was stated here to-night that counterfeit stamps were captured by the detectives in Lancaster to cover 44,000,000 chars. As near as can be learned about \$140,000 worth of bogus stamps have been used on cigars thus far sent out from Lancaster. Much of the money realized has been spent on experiments in manufacturing scattered Bre paper, such as is used by the Government.

Awfullitching of Eczema

Awfullitching of Eczema

Awfullitching of Eczema

of the same to the consumers at from

so To Co PER CENT. LESS

than what other houses ask for the same goods To miss this sale of the same good

Awful Itching of Eczema Dreadful Scaling of **Psoriasis**

CURED BY CUTICURA

CUTICURA SOAP, to cleanse the skin, CUTICURA Ointment, to heal the skin, and CUTICURA RESOLVENT, to cool the blood, make the most complete and speedy cure treatment for torturing, disfiguring humors, rashes, and irritations, with loss of hair, which have defied the skill of the leat physicians and all other remedies.

THE SET \$1.25 Or. Soar, 25c.; Ointment, 50c.; Resolvent, 50c. Sold everywhere. Portes D. and C. Conr. Props., Boston.



Makes the food more delicious and wholesome

CIVIL GOVERNMENT.

ASKED FOR PORTO RICO INSTEAD OF MILITARY RULE.

(By Telegraph to Virginian-Pilot.) Washington, April 19 .- Dr. J. Hullo Henna and Mr. Zeno Gaudia to-day presented to the President a memorial drawn up by them as commissioners of the people of Porto Rico, asking that exclusive military control over the is-land be withdrawn and that matters rear silver certificate. These arrests lating to the various branches of the were followed to-day by the capture in civil government of the island be turncivil government of the island be turned over to the control of the departments in Washington having jurisdection over similar matters in the United States; that the troops in the island be reduced to the number necessary to garrison the forts and military peats that the people of the island be granted all the privileges and immunities of citizens of the United States; that the people of the Island be granted a territorial form of government temperarily or the executive authority placed in the hunds of commissioners, like those exercising similar authority in the District of Columbia: that the levelation the permanent government of the Island "whether Porto Rico is to be acquired as a territory, admitted as a State, or disposed of in any other way," and, lastly, that "in compliance with the provisions of the United States Consti-

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One size smaller after using Allen's Foot-Ease, a powder to be shaken into the shoes. It makes tight or new shoes feel casy; gives instant relief to corns and bunions. It's the greatest comfort dis-covery of the age. Cures and prevents swollen feet, blisters, callous and sore spots. Allen's Foot-Ease is a certain cure for sweating, hot, aching, nervous feet, At all druggists and shoe stores, 25c, Trial package free. Address, Allen S, Olmsted, Le Roy, N. Y.



Quickly relieves and permanently cures in Netvous Troubles. Headache, Dyspepaia, Finale Complaints, Malaria and all types of dease originating in, or aggravated by a low a weakened condition of the Neavous System Pleasant, safe, and always efficacious.

\$1.00 PER BOTTLE, AT ALL DRUGGISTS.

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Only Bargains Survive! THE AWFUL SMASH-UP OF

The Boston Syndidate Clothing Manufacturing Company,

OF BOSTON, MASS.

noing themselves sudde thi squeeze, have been e-to let go the lever or pri-page of site of site erred us so hard to 1 at of their difficulties, us to name our own flau e haven't been able to re-caped in about all there va-caped injury. There was, it \$25,000 worth Thisbra opeived about \$25,000 av. tremendous purchase

Children's Khee Panis brown mixed tweets wholesale price 5the per dozen, sale price per pair, for Children's Khee Panis, ares 4 to 14 years, fancy patterns &c. wholesale price 5cc, sale price, Ed. Wholesale price 5cc, sale price, Ed. Men's Panis, fancy cassimers, black and blue chevious, wholesale price \$2.00, sale price 5cc, apped semms, full thildren forcis, taped semms, full thildren male, wholesale price \$3.00, yale price \$1.62.

Cannon Ball Clothing Co,, 219 Main Street. OPPOSITE ACADEMY OF MUSIC. ution, trade between the United States and Forto Rico shall be absolutely free.

A MILITARY GOVERNOR AP-POINTED.

Washington, April 19.—It is understood that General George W. Davis is to be the military governor general of Porto Rico, to succeed General Guy V. tienry, General Davis is a member of the Wade court of inquiry. He is attached officially to Major General Brooke's command.

THE Joseph Brown STORE.

To-Day's Specials have never been surpassed

in our previous offerings. Each item intrinsically strong and stylishly correct.

First among them—(on sale at 10 o'clock)

34-inch All-Wool Albatross

in Pink and Lt. Blue. Same goods that met with so much favor, and created such lively selling in Black.

1 piece Pink, 3 Lt. Blue, but

2 shades of Blue. Real value is 50. Have nothing better at 50. The price 25. Children, when arrayed in these, will be even more lovely. The dashing damsel alto-

bedecked.—And what a fetching tea gown they'll make ! The price is low—VERY LOW, but what matters that,

gether more charming if so

save to your advantage? White Ducks.

Short lengths running from about 4 yards upward. Excellent money's worth at 10. The price will be 5.

39-inch Fancy White Piques.

Think of it! Piques more than a yard wide. They will be yours at 17 cents. Width and weave being a part of worth, we think 25 would be

Linen Table

Covers, averaging 2 yards long. Some white, some white with red borders, some colored. Average value \$1.00. Choice for 69 cents.

Cotton Towels.

Pronounced cutting on some samples. If you use the coto ton production, these will save o you money.

You won't want to miss

the 8c. Cambric at 61/2; the Cotton Diapers in "Seconds" at big money-saving figures; the 15c. Piques in colors, at 8; the 10c. White Dimities at 6: 40-inch White Lawn at 5; 121/2 Twilled Shirting in "Seconds" at 8.

The Brown

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Guarantee "Your money back if you want it," absolutely forbids

any just ground for complaint with The Joseph Brown Store.

JOSEPH Brown, 220 Main St.